

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, ) (16 U.S.C. § 1538(a)(1)(B))  
 ) (16 U.S.C. § 1540(b)(1))  
v. ) (16 U.S.C. § 1540(e)(4))  
 ) (18 U.S.C. § 2)  
(1) VERNON LEE HOFF, and ) (18 U.S.C. § 371)  
 ) (18 U.S.C. § 1001(a)(1)&(a)(2))  
(2) KYLER JAMES JENSEN, ) (28 U.S.C. § 853(p))  
 ) (28 U.S.C. § 2461(c))  
Defendants. )

CR 12-184 ADM/LIB

INDICTMENT

THE UNITED STATES GRAND JURY CHARGES THAT:

COUNT 1

(Conspiracy to Violate the Endangered Species Act)

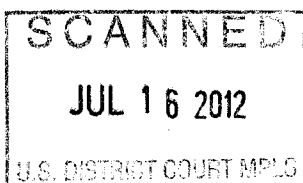
On or about February 17, 2010, in the State and District of Minnesota, the defendants,

VERNON LEE HOFF,  
and  
KYLER JAMES JENSEN,

knowingly and willfully combined, conspired, and agreed to commit an offense against the United States, that is to illegally possess, carry, and transport within the United States, a threatened species of wildlife, to-wit, two gray wolves, as described in Count 3, in violation of Title 16, United States Code, Section 1538(a)(1)(G) and Title 50, Code of Federal Regulations, Sections 17.31(a) and 17.21(c).

PURPOSE OF THE CONSPIRACY

It was the purpose of the conspiracy to conceal Kyler James Jensen's intentional killing of two gray wolves by removing and burying their bodies.



FILED JUL 16 2012  
RICHARD D. SLETTEN  
JUDGMENT ENTD \_\_\_\_\_  
DEPUTY CLERK \_\_\_\_\_

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**MANNER AND MEANS**

1. It was part of the conspiracy that, after Kyler James Jensen intentionally killed two gray wolves, Kyler James Jensen and Vernon Lee Hoff formulated a plan to remove the wolves' bodies from the site of the killing and to bury them.

2. It was further part of the conspiracy that Kyler James Jensen and Vernon Lee Hoff identified a location at which to bury the gray wolves' bodies and did bury them.

3. It was further part of the conspiracy that Kyler James Jensen and Vernon Lee Hoff affirmatively concealed the killing and burial of the gray wolves from law enforcement.

**OVERT ACTS**

On or about February 17, 2010, in the State and District of Minnesota, the defendants did the following overt acts:

1. By telephone, Kyler James Jensen and Vernon Lee Hoff discussed the removal and burial of the gray wolves' bodies.

2. Kyler James Jensen loaded the gray wolves' bodies into the bed of his pick-up truck and covered them.

3. Kyler James Jensen then drove the gray wolves' bodies from the location on National Forest Road 369, where he had killed the wolves, to a work site in Minnesota's Superior National Forest.

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4. Kyler James Jensen went to the location where he intended to bury the gray wolves, dug a hole with a bulldozer, and buried the wolves' bodies in the hole.

5. That evening, Kyler James Jensen return to the burial site, removed the wolves' bodies, attempted to destroy evidence that he had buried the wolves at that location, and again placed the wolves' bodies in his pick-up truck.

6. When confronted by law enforcement officers, Kyler James Jensen falsely denied burying the wolves.

7. When confronted by law enforcement officers, Vernon Lee Hoff falsely denied knowing of the illegal killing of the gray wolves and falsely denied speaking with Kyler James Jensen about removing and concealing the wolves' bodies.

All in violation of Title 18, United States Code, Section 371.

COUNT 2

(Violation of the Endangered Species Act)

On or about February 17, 2010, in the State and District of Minnesota, the defendant,

**KYLER JAMES JENSEN,**

subject to the jurisdiction of the United States did knowingly and illegally take within the United States, a threatened species of wildlife, that is, two gray wolves, in violation of Title 16, United States Code, Section 1538(a)(1)(G) and Title 50, Code of

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Federal Regulations, Sections 17.31(a) and 17.21(c).

All in violation of United States Code, Sections 1538(a)(1)(G) and 1540(b)(1).

**COUNT 3**

(Violation of the Endangered Species Act)

On or about February 17, 2010, in the State and District of Minnesota, the defendants,

VERNON LEE HOFF,  
and  
KYLER JAMES JENSEN,

subject to the jurisdiction of the United States did knowingly aid and abet in and illegally possess, carry, and transport within the United States, a threatened species of wildlife, that is, two gray wolves, in violation of Title 16, United States Code, Section 1538(a)(1)(G) and Title 50, Code of Federal Regulations, Sections 17.31(a) and 17.21(c).

All in violation of United States Code, Sections 1538(a)(1)(G) and 1540(b)(1), and Title 18, United States Code, Section 2.

**COUNT 4**

(False Statement to a Federal Officer)

On or about February 17, 2010, in the State and District of Minnesota, the defendant,

VERNON LEE HOFF,

in a matter within the jurisdiction of the executive branch of the Government of the United States, that is the United States Fish &

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Wildlife Service, did knowingly and willfully falsify, conceal, or cover up by any trick, scheme, and device a material fact and make a materially false, fictitious, and fraudulent statement or representation, in that defendant represented that he did not have any telephone conversation with Kyler James Jensen that morning, when in truth and in fact, as defendant well knew, he had spoken with Kyler James Jensen and conspired to possess, carry, and transport the gray wolves in violation of the Endangered Species Act, in violation of Title 18, United States Code, Section 1001(a)(1) & (a)(2).

COUNT 5

(False Statement to a Federal Officer)

On or about February 17, 2010, in the State and District of Minnesota, the defendant,

**KYLER JAMES JENSEN,**

in a matter within the jurisdiction of the executive branch of the Government of the United States, that is the United States Fish & Wildlife Service, did knowingly and willfully falsify, conceal, or cover up by any trick, scheme, and device a material fact and make a materially false, fictitious, and fraudulent statement or representation, in that defendant represented that he did not bury the gray wolves or attempt to conceal them, when in truth and in fact, as defendant well knew, he had buried the gray wolves with a bulldozer in the Superior National Forest and attempted to conceal

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any violation of the Endangered Species Act, in violation of Title 18, United States Code, Section 1001(a)(1) & (a)(2).

**FORFEITURE ALLEGATION**

Upon conviction of the offense alleged in Counts 2 and 3, Defendants Vernon Lee Hoff and Kyler James Jensen shall forfeit to the United States pursuant to Title 16, United States Code, Section 1540(e)(4):

(A) all fish or wildlife or plants taken, possessed, sold, purchased, offered for sale or purchase, transported, delivered, received, carried, shipped, exported, or imported contrary to the provisions of Title 16, United States Code, Sections 1538 and 1540, any regulation made pursuant thereto, or any permit or certificate issued thereunder, and

(B) all guns, traps, nets, and other equipment, vessels, vehicles, aircraft, and other means of transportation used to aid the taking, possession, selling, purchasing, offering for sale or purchase, transporting, delivering, receiving, carrying, shipping, exporting, or importing of any fish or wildlife or plants in violation of Title 16, United States Code, Section 1540(b)(1), any regulation made pursuant thereto, or any permit or certificate issued thereunder.

The items subject to forfeiture include, but are not limited to, two gray wolves and parts thereof.

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In the event that any property used in the offenses alleged in Counts 2 and 3, or any property traceable to such property, as a result of any act or omission of the Defendants:

- A. Cannot be located upon the exercise of due diligence;
- B. Has been transferred or sold to, or deposited with a third party;
- C. Has been placed beyond the jurisdiction of the court;
- D. Has been substantially diminished in value; or
- E. Has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the Defendants Vernon Lee Hoff and Kyler James Jensen, up to the value of the above property.

A TRUE BILL

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UNITED STATES ATTORNEY

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FOREPERSON